THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 14970 of 2006

Dated: 28-07-2006

Between:

Mr.Kurapati Prasad and another

..... PETITIONERS

AND

Govt., of A.P., rep., by its
Secretary, Excise & Prohibition
Department, & others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 14970 of 2006

O R D E R:

The petitioners 1 and 2 herein are granted licenses in respect of Privilege of sale of Indian Made Foreign Liquor (IMFL) and Foreign Liquor (FL) in ward No.7 and 13 of Tuni Municipality respectively for the excise year 2006-2007 and 2007-2008. It is stated that the fifth respondent was granted license in respect of shop in ward No.9 of Tuni Municipality. It is alleged that soon after the grant of license, the fifth respondent made an application seeking permission to shift the shop from ward No.9 to ward No.11. It is alleged that ward No.11 was not notified as required under Rule 5 of the Andhra Pradesh Excise (Lease of Right of selling by shop and conditions licence) Rules, 2005, (for short 'the Rules') and that apart, ward No.11 being adjacent to road and the shops of the petitioners, the shifting as sought by the fifth respondent cannot be permitted. The petitioners primarily contended that shifting of the shop under Rule 29 sub rule (3) of the Rules is permissible only within the same area/locality, where it was originally established.

The learned Government Pleader points out that sub rule (3) of Rule 29 of the Rules has been subsequently amended and as per the amendment, it is open to the Commissioner to permit shifting within the same Mandal. It is stated that the words "same area/locality, where it was originally established" have been deleted. That apart, the learned Government Pleader also submits

that the application made by the fifth respondent seeking permission for shifting of the shop from ward No.9 to ward No.11 is still under consideration.

Learned counsel appearing for the fifth respondent stated that as on today, the fifth respondent has been running the shop at ward No.9 itself and no orders have been passed till today granting permission to shift the shop to ward No.11.

In the circumstances, no adjudication is necessary by this Court on the rival contentions raised by the parties.

Accordingly, the writ petition is disposed of with a direction to the respondents 1 to 4 to act strictly in accordance with the statutory Rules as they stand as on today and to pass appropriate orders in accordance with law. The petitioners herein are granted liberty to raise their objections, if any, within a period of one week from today in which event, the same will also be taken into consideration by the second respondent before passing any order on the request made by the fifth the respondent. No costs.

_____

G. ROHINI, J

Dated: 28-07-2006
KLP